

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CHARLES A. EVANGELISTA,)	
Plaintiff,)	
)	
v.)	C.A. No. 05-10311-MLW
)	
)	
SHANE MARCOTTE, JASON FANION,)	
DANIEL FALLON III, JONATHAN)	
COTTER, JAMES JOHNSON, CARL)	
SUPERNOR, and CITY OF WORCESTER,)	
Defendants.)	

ORDER

WOLF, D.J.

September 21, 2011

Defendants have filed an Assented-to Motion to Remove and Impound Exhibit (the "Motion"). The Motion refers to an exhibit submitted to the court by plaintiff Charles A. Evangelista on August 16, 2006 (the "Exhibit"). The Exhibit contains the names, addresses, and telephone numbers of approximately 225 people who had alleged excessive use of force by Worcester Police Department officers between 1989 and 1999.

Plaintiff obtained this list from an exhibit filed by the City of Worcester in Schultz v. City of Worcester et al., C.A. No. 02-40003(CBS), on December 16, 2005. The exhibit containing the relevant information was not initially filed under seal in that case. In addition, Evangelista did not file the Exhibit under seal in this case. Nor did defendants assert that the information included in the Exhibit was subject to the March 2, 2006 Protective Order. Defendants had not requested that the Exhibit be sealed until now.

Defendants assert that the information included in the Exhibit, specifically individuals' names, addresses, and phone numbers, ordinarily would not be permitted to be filed on the Public Access to Court Electronic Records ("PACER") system without redaction. However, defendants' assertion is incorrect. In making filings, parties are required to redact or exclude certain personal data. See Local Rules of the United States District Court for the District of Massachusetts Rule 5.3(A). Parties must redact the first five numbers of an individual's social security number, the names of minor children, the month and day of an individual's birth, and all but the last four digits of financial account numbers. See id. Parties are not required to redact names, addresses, or phone numbers in civil cases.

Moreover, there is a presumption of public access to judicial records. See Nixon v. Warner Commc'ns, Inc., 435 U.S. 589, 597 (1978). Indeed, plaintiff obtained the information included in the Exhibit from what was then a public record in another case.

Accordingly, given the presumption of public access and the defendants' failure to adequately justify sealing the Exhibit, defendants' Motion to Remove and Impound the Exhibit (Docket No. 43) is hereby DENIED.

/s/ Mark L. Wolf
UNITED STATES DISTRICT JUDGE